

Notice of Allowability

Application No.

09/862,412

Examiner

Lewis A. Bullock, Jr.

Applicant(s)

DEMSEY ET AL.

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed January 31, 2007.
2. ☒ The allowed claim(s) is/are 1,2,4, 6-21, 24, 26, 27, 29-33, 50 and 51 now renumbered 1-29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

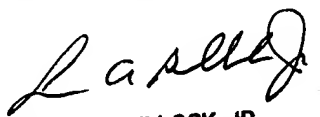
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tadd Wilson on April 16, 2007.

The application has been amended as follows to correct potential 101, antecedent basis issues, and typographical errors:

The claims are amended as follows:

- Claim 1, lines 1-2, **replace** "tangible media" **with** "computer storage medium".
- Claim 24, line 1, **after** "system", **insert** "executing on a processor".
- Claim 24, line 6-8, **delete** "**based on the client needed types identified in the operation of identifying the one or more client needed types**".
- Claim 26, line 1, **after** "system", **insert** "executing on a processor".
- Claim 50, lines 1-2, **replace** "tangible media" **with** "computer storage medium".

- Claim 51, line 1, **replace** "tangible media" **with** "computer storage medium".
- Claim 51, line 16, **replace** "identified" **with** "determined".
- Claim 51, line 16, **replace** "identifying" **with** "determining".

In the specification:

At page 5, line 17, **replace** "10A" **with** "10B".

2. The following is an examiner's statement of reasons for allowance: The claims are allowable for at least the following reasons: The cited claims detail generating, before execution of an application requested by a client, a customized library of client needed types based on application referenced types developed by third parties from client loaded types while using a device profile which specifies a characteristic of the client. More than one client-needed type candidate is identified, and one of the client needed type candidates is selected based on the device profile to be included in the customized library wherein the customized library is separately sent from the application to the client for execution. The cited prior art of record teaches various portions of the limitations, however cannot be properly combined under 35 U.S.C. 103, because it would destroy the principle operation of one another. Some of the references detail a

Art Unit: 2195

customized library is generated while executing the application. Other references are disqualified as being commonly owned under rules regarding 35 U.S.C. 103 (c). See for instance, U.S. Patent 6,389,589 which details using a processor profile to send a compatible version of a client needed type based on the client characteristics, but is under the same assignee of Microsoft Corporation. None of the cited prior art of record can be properly combined to meet Applicants invention as disclosed above and therefore the claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

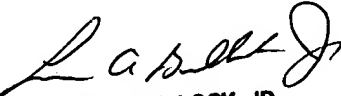
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2195

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 16, 2007


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER